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SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			EXAMINER GENACK, MATTHEW W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/090,368	Applicant(s) DUNN ET AL.	
	Examiner MATTHEW W. GENACK	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 9, 12-15, 18-22, 26, 29-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.*, U.S. Patent No. 6,219,409, in view of McKendry *et al.*, U.S. Patent No. 6,021,176, further in view of Henderson, U.S. Patent No. 4,107,476.

Regarding Claims 1 and 20, Smith *et al.* discloses a premises gateway for allowing various devices, each connected to a different telephone jack on the subscriber's premises, but all connected to a single telephone line, to be treated differently; said premises gateway has interchangeable network interface cards as well as cards for communicating with the different nodes on a subscriber's premises (Abstract, Column 3 Lines 27-58, Figs. 1 and 9). With reference to Figure 9, the Network Interface Cards 175 collectively constitute a network interface device that is in communication with the telephone network, and the CPU Board 186 and PNI Communication Cards 187 collectively constitute a base unit. The CPU board executes an algorithm according to which it either causes an incoming telephone call to be delivered to a device at a specific telephone wall jack, or prevents said incoming telephone call from being

delivered to the device at said specific telephone wall jack (Column 3 Lines 56-65, Column 9 Lines 6-47, Column 10 Lines 15-18 and 39-54, Column 15 Line 61 to Column 16 Line 32, Figs. 3-5).

Smith *et al.* does not expressly disclose the presence of an extension control device in communication with the base unit, whereby said extension control device is used to enter and modify one or more algorithms according to which said base unit handles incoming telephone calls, said extension control device receiving power from a current on a telephone line so as to accumulate a charge that generates a ring event.

McKendry *et al.* discloses method for the operation of a programmable personal call manager (PCAM) that selectively routes incoming telephone calls to any combination of extensions on the owner's premises (Abstract, Column 4 Lines 43-50, Figs. 1-3); the PCAM therefore acts as a base unit. DTMF keypads on any of the telephones connected to the PCAM, or a graphical user interface of a computer connected to the PCAM, may be used to configure the call handling algorithms used by said PCAM (Column 11 Lines 21-55, Fig. 1); the telephones and the computer therefore act as extension control devices through which the owner may interface with the PCAM.

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* by providing the user with the ability to enter and modify algorithms that are stored on the

base unit, by interfacing with said base unit via a telephone's DTMF keypad or a graphical user interface on a computer.

One of ordinary skill in the art would have been motivated to make this modification in order to give the owner flexibility in the handling of incoming calls (McKendry *et al.*: Column 9 Line 66 to Column 10 Line 5).

Neither Smith *et al.* nor McKendry *et. al.* expressly discloses the inclusion of an extension control device that receives power from a current on a telephone line so as to accumulate a charge that generates a ring event.

Henderson discloses a circuit that controls the on-off ringing of a line powered tone ringer in a telephone, said circuit comprising a capacitor (C2 of Fig. 1) that, when charged to a certain voltage, allows a 35 Volt RMS, 18 Hz signal, but not a 300 Volt peak, 12 Hz transient, to activate the tone ringer (Abstract, Column 2 Line 31 to Column 3 Line 3, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by McKendry *et al.* by including an extension control device that receives power from a current on a telephone line so as to accumulate a charge on a capacitor so as to enables a ring event.

One of ordinary skill in the art would have been motivated to make this modification in order to prevent a ringing event being generated by transient voltages (Henderson: Column 1 Lines 15-40).

Regarding Claims 2 and 21, each telephone wall jack has an associated premises network interface (PNI) that is individually addressed by the CPU board (Column 3 Lines 51-60). A PNI cooperates with the CPU board in processing the incoming telephone call (Column 13 Line 55 to Column 14 Line 11).

Regarding Claims 3 and 22, the CPU board can instruct the appropriate PNI to generate a ring signal for the device to which it is connected (Column 15 Lines 56-60).

Regarding Claims 9 and 26, Smith *et al.* does not expressly disclose means for direct control of the premises gateway via a DTMF interface.

McKendry *et al.* discloses means for direct control of the premises gateway via a DTMF interface, as outlined above.

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* by providing a DTMF interface with the premises gateway.

One of ordinary skill in the art would have been motivated to make this modification so as to provide the user with the convenience of being able to program the premises gateway with a familiar type of interface.

Regarding Claims 12-13 and 29-30, the identity of the caller is used in the determination of the appropriate routing (or lack thereof) of the incoming call within the premises (Figs. 3-5).

Regarding Claims 14-15 and 31-32, Smith *et al.* does not expressly disclose

the selective routing (or lack thereof) of an incoming call based upon the time of day.

McKendry *et al.* discloses selective routing of an incoming call based upon the time of day (Column 23 Lines 47-50, Column 25 Lines 1-13, Column 26 Lines 53-60, Column 28 Lines 43-51).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* by providing the premises gateway with the ability to selectively route, or block, an incoming telephone call based upon the time of day.

One of ordinary skill in the art would have been motivated to make this modification because there are periods of the day when a user may desire incoming calls to be blocked, or to be routed only to a certain room.

Regarding Claims 18 and 35, the identity of the calling party may be identified using one of a plurality of special ringing tones (Column 14 Lines 35-39, Column 16 Lines 33 to Column 17 Line 4).

Regarding Claim 19, it is inherent that a PNI may output to two telephone devices with the use of a one-port-to-two-port telephone adapter.

3. Claims 6-8 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.* in view of McKendry *et al.*, further in view of Henderson, further in view of Ikonen *et al.*, U.S. Patent No. 6,473,078.

Regarding Claims 6 and 23, Smith *et al.* discloses the ability of the premises gateway to identify a specific PMI, as outlined in the rejection of Claims 1 and 20 above.

Neither Smith *et al.*, nor McKendry *et al.*, nor Henderson expressly discloses the detection of the presence of a PMI by the premises gateway.

Ikonen *et al.* discloses a method and device for power management of an integrated display unit and at least one peripheral device (Abstract, Column 1 Lines 9-11). Ikonen *et al.* discloses the means for detecting signals associated with a telephone peripheral device, and thereby to detect if said peripheral device is connected to the integrated display unit (Column 5 Lines 2-10, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by McKendry *et al.* as modified by Henderson by providing for the detection of the presence of the PMIs by the premises gateway.

One of ordinary skill in the art would have been motivated to make this modification because if a PMI, for whatever reason, is not connected, then it would be pointless to send a ringing signal to said PMI in the event that the telephone normally connected to that PMI is the only telephone in the residence that is to ring for a certain incoming telephone call.

Regarding Claims 7-8 and 24-25, Smith *et al.* discloses the means for the identification of specific PMIs by the premises gateway, as outlined in the rejection of Claims 1 and 20 above. The naming of PMIs by the premises gateway, and the

storage of these identifying names in said premises gateway, is inherent to the invention of Smith *et al.*, since ringing signals may be sent from the premises gateway to only a subset of the set of all PMIs within the premises.

4. Claims 11, 16, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.* in view of McKendry *et al.*, further in view of Henderson, further in view of Swan *et al.*, U.S. Patent No. 5,978,451.

Regarding Claims 11 and 28, neither Smith *et al.*, nor McKendry *et al.*, nor Henderson expressly discloses the selective transmission of voicemail messages to callers.

Swan *et al.* discloses that the PCC may selectively transmit a voicemail message to callers (Column 6 Line 63 to Column 7 Line 7, Column 9 Lines 17-27, Fig. 3a).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by McKendry *et al.* as modified by Henderson by providing for voicemail messaging from the premises gateway to a calling party.

One of ordinary skill in the art would have been motivated to make this modification so as to provide an additional option to the user for handling an incoming call that he does not wish to be routed to one of the devices on the premises.

Regarding Claims 16 and 33, neither Smith *et al.*, nor McKendry *et al.*, nor Henderson expressly discloses the use of a code that callers may use to bypass the call screening feature.

Swan *et al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by McKendry *et al.* as modified by Henderson by providing for a predetermined override password that allows a caller to bypass the call screening feature.

One of ordinary skill in the art would have been motivated to make this modification so as to allow a caller to speak with the called party in the event of an emergency.

5. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.* in view of McKendry *et al.*, further in view of Henderson, further in view of Kynast *et al.*, U.S. Patent No. 6,823,354.

Neither Smith *et al.*, nor McKendry *et al.*, nor Henderson expressly discloses the presence of a voice interface for allowing the user to control the premises gateway and thereby modify how it functions.

Kynast *et al.* discloses a terminal and method for using services offered by a master station in the context of telephony, including cordless telephony (Abstract, Column 1 Lines 8-9, Column 4 Lines 21-26, Fig. 1). The terminal may be controlled with voice input (Column 4 Lines 32-33, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by

McKendry *et al.* as modified by Henderson by providing for a voice interface that allows the user to control the premises gateway and thereby modify how it functions.

One of ordinary skill in the art would have been motivated to make this modification because of the convenience and popularity of voice interfaces.

6. Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.* in view of McKendry *et al.*, further in view of Henderson, further in view of Borland, U.S. Patent No. 6,122,347.

Smith *et al.* does not expressly disclose the presence of the means by which a caller's voice is analyzed and a decision to allow or block the call is made based upon the results of the voice analysis.

Borland *et al.* discloses a system and method by which the voice of a caller's voice is analyzed and compared to information stored in a database, after the user speaks upon being prompted to do so at the beginning of a telephone call (Abstract, Column 2 Lines 60-63, Column 9 Lines 31-37, Column 9 Line 64 to Column 10 Line 1, Fig. 5).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et al.* as modified by McKendry *et al.*, as modified by Henderson by providing means for analyzing and recognizing caller's voices and making a decision to allow or block the call is made based upon the results of the voice analysis.

One of ordinary skill in the art would have been motivated to make this modification because of the possibility of an unwanted caller making a telephone call

from a number other than the normal telephone number used by that caller, or ring because of the possibility of a residence only allowing telephone calls from certain individuals who normally call from a limited set of telephone numbers, but who may, in the event of an emergency, call from other telephone numbers.

Response to Arguments

7. Applicant's arguments filed 11 January 2008 have been fully considered but they are not persuasive.

Applicant asserts, on Page 10 of Remarks, that "The proposed combination of *Smith*, *McKendry*, and *Henderson*, however, "teaches away." A reference only teaches away from a claimed feature if said reference specifically excludes said feature.

Applicant asserts, on Page 11 of Remarks, that "The proposed combination, however, impermissibly changes *Smith*'s principle of operation. *Smith* utilizes a ring detection circuit to inform a microprocessor of a ring event. See, e.g., U.S. Patent 6,219,409 to *Smith, et al.* at column 12, lines 57-60. *Smith* then opens a switch to "prevent the telephone call from being transferred to the bus 185," which communicates with the CPU board 186 and with the PNI Communications Card 187. See *id.* At column 12, lines 60-65. See also *id.* At FIGS. 9 and 10. *Smith*'s ring detection circuit, then, does not pass ring signals to the bus 185 for distribution to the PNIs 200. If *McKendry*'s programmable personal call manager and/or *Henderson*'s tone ringer are connected to *Smith*'s circuitry, as the Office proposes, *Henderson*'s tone ringer would not "[build] up a charge that generates a ring event on the telephone line" as independent claims 1 and 20 recite. Because *Smith* opens switch 221 when a ring

event is detected, ring signals would not pass onto the bus 185 and onto *Henderson's* tone ringer. The Office's proposed combination, then, would require at least eliminating *Smith's* switch 221." The time taken for a capacitor to charge is proportional to the product of the capacitance of said capacitor and the resistance in series with said capacitor. If these values are chosen to produce a suitable time constant, then the capacitor C2 in *Henderson* may be charged before the switch 221 in *Smith et al.* is opened.

Applicant asserts, on Page 11 of Remarks, that "Independent claims 1 and 20 each recite *"the extension control device receiving power from a current on a telephone line."* Fig. 11 of *Smith*, however, illustrates a processor-controlled "ring generator." The ring generator couples directly to the processor, and the processor receives power from a power supply. If *Henderson's* tone ringer were connected to *Smith's* circuitry, as the Office proposes, then *Smith's* processor-controlled "ring generator" would have to be changed to provide *"power from a current on a telephone line."* The specific embodiment of *Smith et al.* depicted in Fig. 11 is not relied on in this Office Action, or in the previous Office Action. No mention of this ring generator is made in this Office Action, nor was any mention of this ring generator made in the previous Office Action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew W Genack/

Examiner, Art Unit 2617

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617